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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,872	07/31/2001	Higashi Yamamoto	Q65630	2059

7590 09/12/2005

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,872

Applicant(s)

YAMAMOTO, HIGASHI

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on July 31, 2001, wherein claims 1-18 are currently pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on August 30, 2002 and November 21, 2002 are being considered by the examiner to the extent of the statement of relevancy.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

5. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant identifies the first step as "processing of producing will information and authentication information". This language is unclear. Is the applicant processing the information or producing the information?

The applicant identifies another step as "processing of registering the will information". This is unclear.

The applicant has another step of "processing of transmitting" which is also unclear.

6. Claims 3-4 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language "said testator terminal transmits said updating information used to read, change, or add contents of said will information" is unclear. How can updating information be used to read?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al (US 6, 246, 991) (hereinafter referred to as Abe) in view of Arbuckle (US 5, 651, 117) (hereinafter referred to as Arbuckle).

Referring to Claims 1, 3, 5, 7, 9, 11, 13, 15, and 17-18:

Abe discloses a method, medium (*col. 3, lines 51-54*), and system comprising a testator terminal (*Figure 1 (1) Depositor's terminal*), a last will and testament service

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terminal (*Figure 1 (20) an electronic information depositing part*), and a communication line (*Figures 1 and 2 (3) network*) for performing last will and testament service, comprising:

producing will information and authentication information (*Figure 2 (11); col. 5, lines 37-43 and Figure 4 (S5)*) in a testator terminal and transmitting via a communication line to a last will and testament service terminal (*col. 3, lines 24-32 the deposit information thus entered is transmitted to the host processing system 10 via the network 3, such as the Internet, and stored in the memory 21 of the electronic information depositing part 20*);

authenticating the testator based on the authentication information at the last will and testament service terminal and registering the will information, taking custody of the will and charging a fee to the testator (*col. 3, lines 58-65 Reference number 11 denotes depositor authentication means for authenticating that an operator who deposits and/or rewrites deposit information using the depositor's terminal (1) is the authorized depositor; col. 4, lines 3-6 and 37-44; Figure 6; col. 5, lines 7-14 charges for maintaining and managing deposit information; col. 5, lines 61-67*);

transmitting updated information and authentication information from the testator terminal to the last will and testament service terminal, the updating being read, changing, or adding to the contents of the will (*col. 5, lines 64-67 checks authentication information, or whether the electronic key for unsealing is genuine, or whether unsealing by the depositor is an authorized one; col. 5, lines 48-52 when the depositor reads or*

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rewrites the already deposited information, Figure 6 (S14, S15, S16

Registration/Alteration);

authenticating the testator based on the authentication information; once authenticated, processing the updated information, registering the updated information and charging a fee (*col. 5, lines 53-60 when the depositor has rewritten the deposit information, the rewritten deposit information is stored in the storage area 24; col. 6, lines 33-39 the unsealing part 30 has a function to check whether the adjustment fees for information depositing is paid off*);

and comparing the deceased information with the authentication information and if there is a match, transmitting the information to an heir (*col. 3, lines 33-43; col. 6, lines 1-9*).

Abe does not disclose a public office terminal or that upon the death of the testator, information about the deceased being sent from a public office terminal which accepts the death notice, records it and transmits, via a communication line, the information to the last will and testament service terminal.

However, Arbuckle discloses a public office terminal (Figure 1 (100) central depository) which upon the death of the testator, information about the deceased is sent from a public office terminal which accepts the death notice, records it and transmits, via a communication line, the information to the last will and testament service terminal (*col. 2, lines 55-64; col. 4, lines 17-23 and lines 60-61 the system provides for a central depository 100 for data storage of information relating to customers who contract with*

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the depository to be notified of the death of a certain person or person when this occurs; col. 5, lines 47-50; Figure 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the will management method and system of Abe with the central depository as taught in Arbuckle so that the task of monitoring reports of death is shifted from individuals who perform the task laboriously and imperfectly to a computerized system that accomplishes it with rigor and speed thus providing timely notice of deaths.

Referring to Claims 2, 4, 6, 8, 10, 12, 14 and 16:

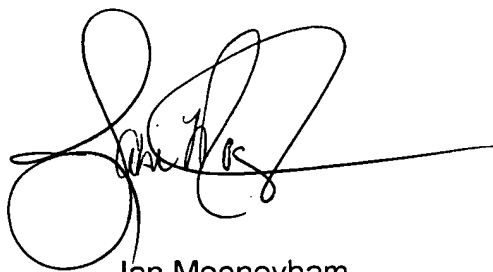
Abe discloses wherein the method is performed over the Internet (col. 7, lines 29-31).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jan Mooneyham', with a long horizontal line extending to the right.

Jan Mooneyham
Patent Examiner
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